THE HONOURABLE SRI JUSTICE N.V.RAMANA

W. P.No.24648 of 1998

Dated:13.06.2007

Between:

B. Bhaskara Rao.

.....PETITIONERS

AND

The APSRTC, rep. by its Vice Chairman & Managing Director, Musheerabad, Hyderabad and another.

....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 24648 of 1998

O R D E R:

Questioning the action of the respondent-APSRTC in not considering the case of the petitioner for absorption on the ground that there is no provision to absorb cleaners from displaced workers as per circular instructions, vide proceedings dated 19.09.1997, he filed the present writ petition.

2. The petitioner had worked as cleaner on the bus bearing No.AAG-3285, which plied on the route from Repalle to Pesaralanka, prior to its nationalization. Consequent on nationalization of the said route, the petitioner and other displaced employees, filed W.P. No. 4669 of 1989 for their absorption in suitable posts in the services of respondent-APSRTC, but the same was allowed only in respect of the 2nd petitioner therein, while it was dismissed in respect of the petitioner herein and others. Aggrieved by the same, the petitioner and another person filed W.A. No.1386 of 1994 and a Division Bench of this Court allowed the same on 13.03.1996 directing the respondent-APSRTC to consider the case of the appellants therein for appointment as cleaners, if it is found that they worked in the respondent-APSRTC. Thereafter, the 2nd respondent called the petitioner for

interview on 07.12.1996 and directed him to produce all the relevant records. The petitioner states that though he produced the relevant records, the 2nd respondent issued another show cause notice dated 15.06.1997 stating that the records produced by him are fabricated and called him to explain as to why his claim for absorption into APSRTC should not be rejected. He states that even though he filed his explanation on 23.06.1997, the 2nd respondent, without considering the same, issued proceedings dated 08.07.1997 rejecting his claim for absorption. Against the said order, the petitioner filed W.P. No.17794 of 1997 and the same was disposed of directing the respondents to reconsider the case of the petitioner for absorption within six weeks from the date of receipt of a copy of that order. Pursuant to the said direction, he was interviewed on 10.09.1997. Thereafter, the 2nd respondent issued proceedings dated 19.09.1997 stating that there is no provision to absorb cleaners from displaced workers as per the circular instructions of respondent-APSRTC. Hence, he filed the present writ petition.

3. The respondent-APSRTC filed counter-affidavit. Reiterating the counter averments, the learned Standing Counsel for the respondent-APSRTC contended that as per the circular instructions, there is a provision to absorb drivers and conductors only on displaced vehicles, but not cleaners from displaced workers consequent to nationalization of private vehicles in Guntur District, and this apart, as many as four persons were absorbed against the bus on which the petitioner worked, and since the petitioner's name stood at Sl. No.9 in the selection list, he was not

selected, and no exception can be taken thereto.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel for respondent-APSRTC.

5. It is stated that in pursuance of the directions of a Division Bench of this Court in W.A.No.1386 of 1994, the Departmental Selection Committee interviewed the petitioner and another person by name T.M.P.Raju, but not selected the petitioner on the ground that the certificates produced by him are fabricated documents. Even though the petitioner submitted his explanation, the 2nd respondent rejected his claim, vide proceedings dated 08.07.1997. Aggrieved by the same, the petitioner filed another W.P.No.17794 of 1997, and the same was disposed of directing the respondent-APSRTC to consider the case of the petitioner. Again, the petitioner's case was reconsidered and rejected.

Since there is said to be no scheme or provision to absorb cleaners from displaced workers consequent on nationalization of private vehicles in Guntur District, no direction can be given to the respondents to absorb the petitioner, and more so when as many as four persons were said to have been absorbed by the respondent against the bus on which the petitioner worked.

6. In the circumstances, the Writ Petition is devoid of merit and the same is dismissed. No costs.

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N.V. RAMANA, J.

Date:13.06.2007
sj